

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)	
	:	Examiner: J. S. Ruggles
Ryo KURODA et al.)	
	:	Group Art Unit: 1795
Application No.: 10/529,907)	
	:	Confirmation No.: 5378
35 U.S.C. § 371(c))	
Completion Date: November 22, 2005	:	
)	
For: EXPOSURE METHOD AND APPARATUS,	:	December 18, 2008
EXPOSURE MASK, AND DEVICE)	
MANUFACTURING METHOD	:	

Mail Stop Amendment

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

RESPONSE TO RESTRICTION REQUIREMENT

Sir:

Applicants respectfully traverse the restriction requirement set forth in the Office

Action dated November 19, 2008.

The Office Action sets forth a restriction requirement between two groups of claims: Group I, claims 1-6, 9, 11 and 12, is drawn to a near field exposure method (claims 1-3), device manufacturing methods (claims 4, 5, 11 and 12), an exposure mask (claim 6), and a near field exposure apparatus (claim 9) and is variously classified in class 430, subclasses 311, 313 and 5, and class 355, subclass 18; and Group II, claims 7, 8 and 10, is

drawn to an exposure mask (claims 7 and 8), and a near field exposure apparatus (claim 10), and is variously classified in class 430, subclass 5, and class 355, subclass 18.

The Examiner asserts that (i) the distinctive feature of Group I is that interference between adjacent openings causes exposure by decreased light intensity, and (ii) the distinctive feature of Group II is that a spacing between adjacent openings is not greater than a wavelength of near field exposure light and an end portion of each opening has a structure to reduce scattering, so that these groupings have acquired a separate status in the art because of different classification and divergent subject matter. These contentions are respectfully traversed.

Applicants submit that the inventions of Groups I and II are closely related in the field of near field exposure that a proper search of any of the claims would, of necessity, require a search of the others. Applicants submit, therefore, that all of the claims can be searched simultaneously, and that a duplicative search, with possibly inconsistent results, may occur if the restriction requirement is maintained.

Applicants further submit that any nominal burden placed upon the Examiner to search an additional subclass or two, necessary to determine the art relevant to Applicants' overall invention, is significantly outweighed by the public interest in not having to obtain and study several separate patents in order to have available all of the issued patent claims covering Applicants' invention. The alternative is to proceed with the filing of another application, consisting of the same disclosure, and being subjected to substantially the same

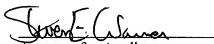
search, perhaps by a different Examiner on a different occasion. This places an unnecessary burden on both the Patent and Trademark Office and on Applicant.

In the interest of economy, for the Office, for the public-at-large, and for Applicants, Applicants request reconsideration and withdrawal of the restriction requirement. Nevertheless, in order to comply with the requirements of 37 CFR 1.143, Applicants provisionally elect, with traverse, to prosecute the invention of Group I, namely, claims 1-6, 9, 11 and 12.

Favorable consideration and an early passage to issue are also requested.

Applicants' undersigned attorney may be reached in our Washington, D.C. office by telephone at (202) 530-1010. All correspondence should be directed to our address listed below.

Respectfully submitted,


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